

REMARKS/ARGUMENTS

The Office Action

Claims 1, 7-12 and 22-26 remain in this application. Claim 1 has been amended to correct an informality and to more clearly define the invention.

Claims 1, 7-8, 11 and 22-24 were rejected under 35 U.S.C. §102(e) as being anticipated by Bauer (U.S. Patent No. 6,310,946). Claims 9-10, 12, and 25-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bauer.

Claims 1, 7-12 and 22-26 Are Patentably Distinguishable from the Cited Art

The present invention relates to a system and method for efficiently managing incoming telephone calls to a telephone line that is currently connected to an Internet service provider during an Internet call session. Thus, the invention allows a person using the Internet to prescreen calls from parties of the user's choosing, while not having the annoyance of pop-up menus and the like for all other telephone calls. In particular, claim 1, as amended, provides for "storing in a database a subscriber's caller screening criteria, said criteria including at least one of calling line identification restrictions, caller identification restrictions, data restrictions, days of the week restrictions, and time restrictions." Further, this claim also provides for "connecting the subscriber's telephone line to an Internet service provider (ISP)." These features are not taught or suggested by Bauer.

First, Bauer fails to teach or suggest storing a subscriber's caller screening criteria in a database. Bauer relates to a technique for enabling a telephone subscriber calling the subscriber's own line to interrupt the telephone call on that line after receiving a busy signal. In this regard, Bauer discloses that a "subscriber may enter an interim code that authorizes interruption of a call on subscriber's own line."

(Column 2, lines 1-2.) Further, Bauer discloses that prior art call waiting services do not provide an opportunity to prescreen a call so that a party to a telephone conversation might interrupt an important call to take a waiting call which may be far less important, or even desirable. Thus, some providers of local service now offer the combination of call waiting and caller identification which provides the identity of the waiting call. (See Column 3, lines 1-27.) However, Bauer does not disclose in any way a method of allowing a subscriber to prescreen calls so that an Internet connection will not be interrupted except in certain circumstances. Those circumstances relate to calling line identification restrictions, caller identification restrictions, date restrictions, day of the week restrictions, and time restrictions. In other words, Bauer addresses a problem that subscribers may have encountered when trying to call their home phone, yet Bauer does not address any of the problems associated with using the Internet. Thus, Bauer does not teach or disclose "connecting the subscriber's telephone line to an Internet service provider," as provided in amended claim 1.

It is noted that in Column 1, lines 34-37, Bauer discusses as background art what a subscriber having call waiting may experience when calling his or her home line. Thus, "depending on the nature of the call, the party on the phone may even choose to disable the call waiting option, particularly if the party is using the phone to establish a data connection to an on-line or Internet service provider." (Column 1, lines 34-37.) Therefore, Bauer is simply acknowledging that many people disable the call waiting option when using the Internet. This just goes to show that a subscriber may need an alternate means of interrupting a call to his or her home line, in lieu of using the call waiting option. Further, as provided in column 3, lines 19-36, the subscriber is trying to reach a family member using a telephone set 14₂ or 14₃. Bauer does not disclose that these may be computers having Internet access.

Thus, for at least these reasons, Claim 1, as amended, is not anticipated by Bauer and is thus allowable. Accordingly, claims 7-12, which depend therefrom, are also allowable.

Claim 22 relates to an apparatus for managing an Internet call session, and includes a database for storing a subscriber's caller screening criteria, said criteria including at least one of calling line identification restrictions, caller identification restrictions, date restrictions, days of the week restrictions, and time restrictions. Further, the apparatus includes "means for connecting the subscriber's telephone line to an Internet Service Provider (ISP)." As explained above, Bauer fails to disclose these features. Accordingly, claim 22 and claims 23-26, which depend therefrom, distinguish from the prior art and are therefore allowable.

CONCLUSION

For the reasons detailed above, it is respectfully submitted that all claims remaining in the application (Claims 1, 7-12, and 22-26) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he or she is hereby authorized to telephone John S. Zanghi, at (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

7/20/04
Date

John S. Zanghi
John S. Zanghi
Reg. No. 48,843
1100 Superior Avenue
7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

Certificate of Mailing

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AMENDMENT FEE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	Signature
Date	Printed Name
7-20-04	Elaine M. Checovich